

REMARKS

Claims 1, 4, 6, 9, 12, 22, 34, 40-47, and 50-53 are currently pending in the present application, with Claims 1, 4, 6, 9, 12, 22, 40, 44, 50, and 51 being amended, and Claims 2-3, 5, 7, 8, 10, 11, 13-21, 23-33, 35-39, 48, 49, 54, and 55 being canceled. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner rejected Claims 1, 2, 6, 9, 12, 22, 24, 34-39, 42, 43, 45, 52-55 under 35 U.S.C. 102(e) as being anticipated by Headrick (U.S. patent no. 6,535,889). This rejection is moot with respect to the canceled claims and respectfully traversed with respect to the amended claims.

As previously communicated, the present invention is directed to a method, apparatus, and computer-readable medium for purchasing music piece data from a server on a network, such as the Internet.

In particular, the claim invention is more specifically directed to a system having a removable external storage device that stores various display information data for displaying, on an off-line basis, emulation screens that emulate one or more merchant sites, such as an on-line merchant website on the Internet. The emulated screen is similar in both layout and in function to the actual merchant website, so as to provide the same look and feel of the merchant website that a customer may come to expect.

Importantly, the above-mentioned claims have been amended to further require that the emulation screen displayed correspond to a particular electronic musical instrument. For instance, with respect to amended Claim 1, a list screen of different electronic musical instrument products is displayed (e.g., piano or drums, or different types of pianos). From the list screen, the user can select a desired electronic musical instrument product for which music piece data may be retrieved. In response to the user selection, an emulation screen corresponding to the selected musical instrument product is displayed to the user. After a user selects a music piece data to be purchased, the user's computer is then directed to the actual merchant website for effecting the purchase.

Headrick does not contain any disclosure or suggestion of providing a list screen listing a plurality of musical instruments, and displaying an emulation screen corresponding to a particular musical instrument product selected by the user. Rather, Headrick simply discloses a method of distributing general retails products over the Internet; there is no mention of emulation screens corresponding to particular musical instrument products. Accordingly, Applicant respectfully submits that the rejected claims are not anticipated by, nor obvious in view of, Headrick.

The Examiner rejected Claims 40, 44, 47, 50, and 51 under 35 U.S.C. 103(a) as being unpatentable over Headrick in view of Srinivasan (U.S. pub. No. US2002/0062357). This rejection is respectfully traversed with respect to the amended claims.

Independent Claims 40, 44, 50, and 51 are directed to methods and systems for supplying/receiving music piece data, which have been further clarified to mean data for reproducing music. Importantly, the claims contain limitations for designating a portion of displayed music piece for receiving music piece data, where the partial music piece data corresponding to the portion designated is created and sent to the receiver.

Neither Headrick nor Srinivasan contain any disclosure of sending or receiving music piece data that can be used to reproduce music. Rather, Headrick is directed to the distribution of static media, and makes no mention whatsoever as to music or music data. Likewise, Srinivasan makes no mention of music piece data or the distribution thereof. Furthermore, neither reference contain any disclosure or suggestion of, in response to a designation of a portion of music piece data displayed to a receiver, creating and sending partial music data representing the designated portion. Accordingly, Applicant respectfully submits that Claims 40, 44, 50, and 51, as well as claims dependent thereupon, are not obvious in view of Headrick and Srinivasan.

The Examiner rejected dependent Claims 41 and 46 as being unpatentable under 35 U.S.C. 103(a) in view of Headrick and Farley et al. (U.S. patent no. 6,735,430). This rejection is respectfully traversed.

As discussed above, Headrick does not contain any disclosure or suggestion of transmitting music piece data, or creating and transmitting partial music piece data in response to designation by the receiver. Farley fails to make up for the deficiencies of Headrick. Specifically, Farley is directed to a system where two cell phones, upon confirmation of IDs, share a RF signal to orchestrate the replay of certain music. Farley simply makes no mentions whatsoever as to the distribution of music piece data, or creating partial music piece data in response to designation by the receiver. Accordingly, Applicant respectfully submits that Claims 41 and 46 are not obvious in view of Headrick and Farley.

In view of the foregoing, Applicants respectfully submit that all of the pending claims are not obvious in view of, Fitzsimmons and Mankovitz. If the Examiner believes it would further advance the prosecution of the present application, he is respectfully requested to contact the undersigned attorney.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 39303.20243.00.

Respectfully submitted,

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By:


David T. Yang
Registration No. 44,415
Morrison & Foerster LLP
555 West Fifth Street
Suite 3500
Los Angeles, California 90013-1024
Telephone: (213) 892-5587
Facsimile: (213) 892-5454